

LPA No.58 of 2007.

20.12.2007. Present: Mr.Ajay Kumar, counsel for the appellant.
Mr.G.D. Verma, Senior Advocate, with Mr.Romesh Verma,
counsel for respondents No.1, 2, 4 to 14, 16, 17 and 19.
Mr.M.S. Chandel, Advocate General, with Mr.R.M. Bisht,
Dy.A.G., for respondents No.20 to 22.

The learned Single Judge, while allowing the writ petition, has held that the land, which was granted to the present appellant as Nautor, is a forest land and in view of the various orders passed by the Apex Court in **T.N. Godavarman Thirumulkpad etc. v. Union of India and others**, no forest land can be diverted for non-forest use without the permission of the Central Government.

Admittedly, the land in question is classified as Charagah Drakhtan/Bila Drakhtan. The contention of the appellant is that since the land has no trees as per the revenue entry, therefore, it cannot be treated as forest land. This argument has to be rejected. Once any land, whether trees are growing on it or not, is classified as forest land, then the same has to be treated as forest land and cannot be diverted for non-forest use without the permission of the Central Government. There is no error in the judgment of the learned Single Judge. The appeal is accordingly rejected.

CMP No.578 of 2007:

In view of the dismissal of the main appeal, this application also stands dismissed. Interim order, dated 13.8.2007, also stands vacated.

(Deepak Gupta), J.

December 20, 2007.
(TILAK)

(V.K. Ahuja), J.